

**OFFICE OF THE STATE PUBLIC DEFENDER
APPELLATE DEFENDER OFFICE**

301 SOUTH PARK, ROOM 568

P.O. BOX 200145

HELENA, MT 59620-0145

(406) 841-2001

(406) 841-2003 (fax)

**APPELLATE PROCEDURE FOR
CONTRACT AND CONFLICT
ATTORNEYS**

**Jim Wheelis
Joslyn Hunt
Shannon McDonald
Lisa Korchinski
David Avery
Roberta Zenker**

**Sarah Braden
Katrina Sherman
Jory Allen**

**Chief Appellate Defender
Assistant Appellate Defender
Assistant Appellate Defender
Assistant Appellate Defender
Assistant Appellate Defender
Assistant Appellate Defender**

**Office Manager/Paralegal
Paralegal
Legal Secretary**

Please follow this procedure to appeal to the Montana Supreme Court.

Upon final written judgment by the district court, contact the Appellate Defender Office (ADO) at 406-841-2001 and advise that you wish to proceed with an appeal. You may speak with Jim Wheelis, Chief Appellate Defender or Sarah Braden, Office Manager/Paralegal. The ADO has the right to assume any appeal case which a contract or conflict attorney handled at the District Court level.

The Office Manager in your Regional Public Defender's Office is responsible for transmitting all appellate paperwork to the ADO. This means that the Office Manager will request the transcripts necessary for the appeal for you, and will provide the ADO with the necessary information for them to decide whether you will keep the appeal case or it will be transferred to the ADO. If your case is assumed by the ADO you will need to provide the Office Manager with your case file in a timely manner, so it may be delivered to the ADO.

Once the ADO decides whether they will assume the case or that the contract or conflict counsel will keep the case, the following paperwork needs to be filled out simultaneously:

- Attorney Request for Transcripts (Attachment A). **It is imperative that you fill this form out immediately and give it to the Regional Office Manager before filing the Notice of Appeal. It is important that you fill out the form in its entirety.**

Pursuant to the Rules of Appellate Procedure, the transcript request must be made within ten (10) days from the filing of the Notice of Appeal.

- Notice of Appeal

The Regional Office Manager will notify you when the transcript request is ready to be submitted. The Notice of Appeal can then be filed. The Regional Office Manager will order the requested transcripts, and include the appropriate claim form (Attachment C). The client's case file will then be transferred to the ADO if they are assuming the case, or you will keep the case file.

If you proceed with the appeal, your monthly billing is to be sent to the Appellate Defender Office, Attn: Sarah Braden at 301 S. Park, Room 568, P.O. Box 200145, Helena, MT 59620-0145. Once a case is appealed it is given a new OPD number. *This number can only be assigned by Sarah Braden at the ADO.* You will need to contact Ms. Braden in order to receive the appropriate OPD number for billing purposes. You must submit all of your bills on the appropriate claim form (Attachment B) provided with this packet.

If you have any questions regarding this procedure please contact either Jim Wheelis, Chief Appellate Defender or Sarah Braden, Office Manager/Paralegal.

ATTACHMENT A

State of Montana
Office of the State Public Defender
APPELLATE DEFENDER OFFICE

TRANSCRIPT REQUEST FORM
Supreme Court Appeals Only

Attorney Requesting Transcripts: _____

Appellant's Name: _____

Address/Correctional Facility: _____

Phone (if any): _____

Issue(s) on appeal: _____

Transcripts needed: _____

**** If the Appellate Defenders Office is assuming this case, please include a copy of the Notice of Appeal, the Judgment and Sentence, and any other documents that you deem relevant to the appeal with this form or the entire client file. ****

